

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL GLEISSNER,

Plaintiff,

v.

TURK HAVA YOLLARI ANONIM ORTAKLIGI,

Defendant.

Civil Action No.: 16-cv-8287 (JPO)

**PLAINTIFF'S LOCAL
RULE 56.1 STATEMENT**

Local Rule 56.1 requires that motions for summary judgment be accompanied by a concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried. Accordingly, Michael Gleissner responds as follows:

1. Plaintiff is a citizen of Germany. *See* Ex. E (RFA), No. 1 to the Declaration of Sarah G. Passeri ("Passeri Decl.").

RESPONSE: Uncontested.

2. Plaintiff is a principal and permanent resident of Hong Kong. *See id.*, Ex. E (RFA), No. 2.

RESPONSE: Uncontested.

3. THY is a corporation domiciled in Turkey with its principal place of business in Istanbul Turkey. *See* Declaration of Cenk Ocal ("Ocal Decl."), ¶ 16.

RESPONSE: Uncontested.

4. On or before August 25, 2016, Plaintiff purchased a ticket for international transportation on THY from Singapore (SIN) to Catania, Italy (CTA) with an agreed stop in Istanbul, Turkey (IST) on August 25, 2016 and returning from Catania, Italy (CTA) to Hong Kong (HKG) with an agreed stop in Istanbul, Turkey (IST) on August 28, 2016. *See* Passeri Decl., Ex. G (RFP), No. 2.

RESPONSE: Uncontested.

5. Plaintiff's contract of carriage for the flights referred to in Paragraph 4 was made in Hong Kong. *See id.* Ex. E (RFA), No. 3.

RESPONSE: Uncontested.

6. Plaintiff's transportation for the flights referred to in Paragraph 4 terminated in Hong Kong. *See id.*, Ex. G (RFP), No. 2.

RESPONSE: Uncontested.

7. On or about August 28, 2016, Plaintiff attempted to change his return flight to leave on September 1, 2016. *See id.*, Ex. A (Compl.), ¶ 10.

RESPONSE: Uncontested.

8. Plaintiff attempted to change his reservation for his return flight, referred to in Paragraph 7, while in Italy. *See id.*, Ex. F (Interrogatories), No. 6.

RESPONSE: Uncontested.

9. On or about August 28, 2016, Plaintiff received an email from Expedia notifying him that THY had cancelled his reservation for September 1, 2016. *See id.*, Ex. A (Compl.), ¶ 11.

RESPONSE: Uncontested.

10. The reason for the cancellation of Plaintiff's September 1, 2016 reservation was that his initial reservation for travel on August 28, 2016 had not been cancelled. *See* Ocal Decl., ¶ 6.

RESPONSE: Contested. Plaintiff does not have personal knowledge of the reason behind why his September 1, 2016 reservation was cancelled.

11. Plaintiff was listed by THY as a "no show" for his initial reservation for travel on August 28, 2016, which resulted in the cancellation of any subsequent reservations under THY's Conditions of Carriage. *See id.*, ¶¶ 6-8, Ex. A (Contract of Carriage).

RESPONSE: Contested. Plaintiff does not have personal knowledge regarding how he was classified by Defendant.

12. Plaintiff and his family traveled on September 1, 2016 as scheduled according to Plaintiff's change of his return flight from August 28, 2016 to September 1, 2016. *See Passeri Decl.*, Ex. E (RFA), No. 5.

RESPONSE: Uncontested.

13. Plaintiff does not claim any physical injuries as a result of the incident alleged in the Complaint. *See id.*, Ex. F (Interrogatories), Nos. 10 and 11.

RESPONSE: Uncontested.

14. Plaintiff claims only emotional injuries as a result of the incident alleged in the Complaint. *See id.*

RESPONSE: Uncontested.

15. The only economic injuries as a result of the incident alleged in the Complaint claimed by Plaintiff are attorneys' fees. *See id.*, No. 12.

RESPONSE: Uncontested.

16. The Montreal Convention governs Plaintiff's claims.

RESPONSE: Contested. The Montreal Convention does not apply to Plaintiff's claims.

17. Plaintiff did not serve Rule 26(a) initial disclosures on or before the close of discovery.

RESPONSE: Uncontested.

18. Plaintiff did not serve written discovery on THY on or before the close of discovery.

RESPONSE: Uncontested.

19. Plaintiff did not serve deposition notices on THY on or before the close of discovery.

RESPONSE: Uncontested.

Dated: July 10, 2017
New York, New York

Morton & Associates LLP

By: 

Roman A. Popov, Esq.

Attorneys for Plaintiff

Michael Gleissner

246 West Broadway

New York, NY 10013

Telephone: (212) 796-4309

rp@moas.com